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| 20306 | 7590 | 05/12/2008 | | |
| MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP | | | EXAMINER | |
| 300 S. WACKER DRIVE | | | CHERIYAN JR, THOMAS K | |
| 32ND FLOOR | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/557,371 | MOSHAL, MARTIN | |
| | Examiner | Art Unit | |
| | THOMAS K. CHERIYAN JR | 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 November 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 November 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/18/2005</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Objections

Claims 3, 6, and 12 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Appropriate action is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 2002/0196342 A1) in view of Cannon et al (US 6652378 B2).

Regarding claim 1, Walker et al discloses a betting terminal operable by a player to play at least one game thereon and to place a wager on an outcome of any turn of the game, the outcome of each turn the game being determined, at least in part, by chance (**Obvious, Walker, Abstract. Walker, Paragraph 20 also mentions specifically that the gaming machine can be a “slot machine” which obviously allows a user to place a wager and the chances of winning are in part, based on chance.**); and

a camera associated with the betting terminal, the camera being arranged to capture an image of the player operating the betting terminal at least once during each turn of the at least one game (**Walker, Figure 1 and Paragraph 0054. Figure 1 teaches that the Document Device 115 such as the camera is inherently linked with the Event Detection Device. The camera can therefore take a picture for every “event” that takes place during gameplay, such as every time a player initiates a spin on the slot machine.**).

Regarding claim 2, Walker et al discloses a logging facility capable of logging (**Walker, Paragraph 0061**), for each turn of the at least one game, logging data representative of a size and type of the wager placed by the player on the turn of the game, the corresponding outcome of that turn of the game (**Walker, Paragraph 0031 and Figures 2 and 3 teach using tracking devices and databases to track at a casino and record a "player's gambling activity at gaming devices and/or table games" which obviously includes size and type of wager by the player on the turn of the game and the corresponding outcome.**), and the image of the player captured

by the camera during the turn of the game (**Walker, Figure 1 and Paragraph 0054.**

Figure 1 teaches that the Document Device 115 such as the camera is inherently linked with the Event Detection Device. The camera can therefore take a picture for every “event” that takes place during gameplay, such as every time a player initiates a spin on the slot machine).

Regarding claims 3, 12, Walker discloses the betting terminal is operable by the player to play any one of a number of different selectable games.

Walker explicitly doesn't teach that a gaming device may have more than one different selectable games, however, Cannon et al (US 6652378 B2) does (**Cannon, Column 4, Lines 61 through Column 5, Line 20**).

The motivation for combining the teachings of Cannon with Walker is because Walker discloses using his invention with a gaming device, and Cannon specifically teaches that a gaming device can be made to allow a player to select from a plurality of games to play with.

Therefore, it would be obvious to combine the teachings of Cannon with Walker to have a gaming device that allows a player to select from a plurality of games because it would allow for a player to stay at a gaming device longer and therefore allow a casino to possibly earn more money as a result of a player playing longer.

Regarding claims 4, 13, Walker discloses the camera is arranged to capture the image of the player operating the betting terminal at least once during each turn of any game being played by the player (**Walker, Figure 1 and Paragraph 0054. Figure 1 teaches that the Document Device 115 such as the camera is inherently linked**

with the Event Detection Device. The camera can therefore take a picture for every “event” that takes place during gameplay, such as every time a player initiates a spin on the slot machine).

Regarding claims 5, 14, Walker discloses the logging data is representative, also, of the particular game being played by the player (**Obvious, Walker, Figures 2 through Figure 7**).

Regarding claims 6, 15, Walker discloses the logging facility includes a non-volatile storage memory for storing the logging data thereon (**Walker, Paragraph 0061**).

Regarding claims 7, 16, Walker discloses the storage memory is configured as a rolling buffer capable of storing logging data relating to a number of the most recent turns of any gaming played by the player (**Computing systems inherently have a buffering system when it comes to taking realtime data being generated and stored onto a memory system, therefore, it would be obvious that the storage memory is configured or contains a rolling buffer type of memory.**).

Regarding claims 8, 17, Walker discloses an enquiry facility operable to display any logging data contained in the storage memory (**Obvious, Walker, Figures 2 through 7 show a way for data to be displayed to a user based on data being stored in the database.**).

Regarding claims 9, 18, Walker discloses a display monitor capable of displaying an image of the player contained in the storage memory (**Walker, Paragraph 0032**).

Regarding claim 10, Walker discloses a method for identifying players at a betting terminal, comprising the steps of:

enabling a player to operate a betting terminal to play at least one game thereon and to place a wager on an outcome of any turn of the game (**Obvious**), the outcome of each turn the game being determined, at least in part, by chance (**Obvious**); and capturing, at least once during each turn of the at least one game, a camera image of the player operating the betting terminal (**Walker, Figure 1 and Paragraph 0054**).

Figure 1 teaches that the Document Device 115 such as the camera is inherently linked with the Event Detection Device. The camera can therefore take a picture for every “event” that takes place during game play, such as every time a player initiates a spin on the slot machine).

Regarding claim 11, Walker discloses includes a step of logging, for each turn of the at least one game, logging data representative of a size and type of the wager placed by the player on the turn of the game, the corresponding outcome of that turn of the game (**Walker, Paragraph 0031 and Figures 2 and 3 teach using tracking devices and databases to track at a casino and record a "player's gambling activity at gaming devices and/or table games" which obviously includes size and type of wager by the player on the turn of the game and the corresponding outcome.**), and the image of the player captured by the camera during the turn of the game (**Obvious**).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas K. Cherian whose telephone number is 571-270-3225. The examiner can normally be reached on Mon-Fri 7:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714